

Order

Michigan Supreme Court
Lansing, Michigan

September 12, 2007

Clifford W. Taylor,
Chief Justice

133561

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 133561
COA: 276065
Oakland CC: 2004-198650-FH

ANTHONY LAMAR ANDERSON,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the March 6, 2007 order of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REMAND this case to the Oakland Circuit Court to amend the judgment of sentence to reflect 259 days of sentence credit, as conceded by the prosecutor at the sentence hearing for the defendant's probation violation. Time incarcerated pursuant to a probationary sentence must be credited against a subsequent prison sentence imposed for the violation of probation. See *People v Sturdivant*, 412 Mich 92 (1981).



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 12, 2007

Clerk